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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,443	01/29/2007	Elsa Lundblad	PU0392	6763

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EXAMINER

THERKORN, ERNEST G

ART UNIT	PAPER NUMBER
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1797

MAIL DATE	DELIVERY MODE
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11/18/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/582,443	Applicant(s) LUNDBLAD ET AL.	
	Examiner Ernest G. Therkorn	Art Unit 1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) 6-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/8/06&1/21/08</u> | 6) <input type="checkbox"/> Other: _____ |

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorenstein (U.S. Patent Pub. No. 2002/0052701) in view of either Snyder (Introduction to Modern Liquid Chromatography, John Wiley&Sons, 1979, pages 112-116) or that which is conceded to be old on page 6, lines 12-17 of the specification. At best, the claims differ from Gorenstein (U.S. Patent Pub. No. 2002/0052701) in reciting the use of a loop. Snyder (Introduction to Modern Liquid Chromatography, John Wiley&Sons, 1979, pages 112-116) discloses that use of a loop is the most generally useful and widely used sampling device for modern liquid chromatography. That which is conceded to be old on page 6, lines 12-17 of the specification discloses that it is conventional to have the pump, valves, columns, loops, detector, and fraction collector mounted together in a housing. It would have been obvious to use a loop in Gorenstein (U.S. Patent Pub. No. 2002/0052701) either because Snyder (Introduction to Modern Liquid Chromatography, John Wiley&Sons, 1979, pages 112-116) discloses that use of a loop is the most generally useful and widely used sampling device for modern liquid chromatography or because that which is conceded to be old on page 6, lines 12-17 of the specification discloses that it is conventional to have the pump, valves, columns, loops, detector, and fraction collector mounted together in a housing.

Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gorenstein (U.S. Patent Pub. No. 2002/0052701) in view of either Snyder (Introduction to Modern Liquid Chromatography, John Wiley&Sons, 1979, pages 112-116) or that which is conceded to be old on page 6, lines 12-17 of the specification as applied to claims 1-5 above, and further in view of either Bonneyrat (U.S. Patent No. 4,546,643) or Michel (U.S. Patent Pub. No. 2003/0183565). At best, the claims differ from Gorenstein (U.S. Patent Pub. No. 2002/0052701) in view of either Snyder (Introduction to Modern Liquid Chromatography, John Wiley&Sons, 1979, pages 112-116) or that which is conceded to be old on page 6, lines 12-17 of the specification in the clarity of reciting the signal level and the rate of change. Bonneyrat (U.S. Patent No. 4,546,643) (column 1, line 38-column 2, line 14) discloses that signal level and slope allow quick determination of peaks. Michel (U.S. Patent Pub. No. 2003/0183565) (Abstract, paragraphs 7 and 9) discloses signal strength and slope are used to initiate and stop collection. It would have been obvious that Gorenstein (U.S. Patent Pub. No. 2002/0052701) in view of either Snyder (Introduction to Modern Liquid Chromatography, John Wiley&Sons, 1979, pages 112-116) or that which is conceded to be old on page 6, lines 12-17 of the specification discloses signal level and the rate of change either because Bonneyrat (U.S. Patent No. 4,546,643) (column 1, line 38-column 2, line 14) discloses that signal level and slope allow quick determination of peaks or because Michel (U.S. Patent Pub. No. 2003/0183565) (Abstract, paragraphs 7 and 9) discloses signal strength and slope are used to initiate and stop collection.

In view of the papers filed October 27, 2008, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(A). The inventorship of this application has been changed by the addition of three inventors.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of Office records to reflect the inventorship as corrected.

The restriction has been reconsidered, deemed proper, and made final for the reasons of record.

Any inquiry concerning this communication should be directed to E. Therkorn at telephone number (571) 272-1149. The official fax number is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ernest G. Therkorn/
Ernest G. Therkorn
Primary Examiner
Art Unit 1797

EGT November 17, 2008